

## REMARKS/ARGUMENTS

In the Office Action, the Examiner has requested that a statement claiming priority and referencing the prior application(s) be inserted following the title of the application or as the first sentence of the specification.

The Examiner further objected to the drawings stating that every feature of the invention specified in the claims, i.e., gas generating cell recited in Claims 1 and 28, must be shown in the drawings or the features canceled from the claims.

Additionally, Claims 1, 24, and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,810,253 ("*Ohayon*") in view of U.S. Patent No. 4,477,414 ("*Muramoto et al.*"). And Claim 27 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ohayon* in view of *Muramoto et al.* as applied to Claim 1, and further in view of U.S. Patent No. 4,294,778 ("*DeLuca*").

The Applicant respectfully traverses the rejection to the claims.

No claims have been amended, deleted, or added.

No new matter has been added to the specification or the claims.

As such, Claims 1, 24, 27, and 28 are pending in this application.

### **Objection to the Drawings**

The gas generating cell 95 of the Applicant's claims is shown throughout the drawings, most notably FIGS. 8 and 13. Because every feature of the claimed invention is shown in the drawings, the Applicant submits that correction to the drawings is unnecessary and respectfully requests that the objection to the drawings be removed.

### **Rejection of Claims 1, 24, and 28**

Previously amended independent Claims 1 and 28 are directed to a device for releasing a volatile substance comprising, at least, a controllably releasing means including a gas generating cell associated with the interior region.

The Applicant respectfully disagrees with the Examiner's position that *Ohayon* discloses a device comprising a controllably releasing means comprising a gas generating cell (column 8, lines 3-6, "pressure therein may be increased by any number of different ways known in the art

including, e.g., a pump mechanism”).

*Ohayon* fails to disclose each and every element of the Applicant's claimed invention. Most notably, the Examiner admits that *Ohayon* fails to disclose a means for heating. As such, the Examiner has relied upon the combination of several prior art references to reject Claims 1 and 28.

The Applicant additionally submits that *Ohayon* fails to disclose a gas generating cell as claimed in Claim 1. *Ohayon* only discloses a manual pump mechanism for increasing pressure within the reservoir and there is no disclosure within *Ohayon* suggesting the utilization of a gas generating cell to increase the pressure within a housing. Furthermore, *Ohayon*'s bald statement—pressure may be increased by a number of different ways known in the art—is unsupported by any disclosure within *Ohayon*, or any of the other cited references, showing such means.

*Muramoto et al.* is relied upon by the Examiner to compensate for *Ohayon*'s failure to disclose a means for heating an emanator material; however, *Muramoto et al.* also fails to disclose a gas generating cell. Furthermore, there is no disclosure within either reference suggesting modification of either reference to attain the Applicant's claimed invention. Therefore, the combination of *Ohayon* and *Muramoto et al.* fails to teach, disclose, or suggest the Applicant's claimed invention.

Based on the above reasoning, Applicant submits that independent Claims 1 and 28 are in condition for allowance and respectfully requests removal of the rejections. Similarly, because Claim 24 depends directly on allowable Claim 1 and includes each element of allowable Claim 1, the Applicant respectfully requests Claim 24 also be allowed.

#### **Rejection of Claim 27**

*DeLuca* is relied upon by the Examiner to compensate for the failure of *Ohayon* and *Muramoto et al.* to disclose a fan; however, similar to *Ohayon* and *Muramoto et al.*, *DeLuca* also fails to disclose a gas generating cell. Moreover, there is no disclosure within *DeLuca*, *Ohayon*, or *Muramoto et al.* suggesting modification of either reference to attain the Applicant's claimed invention. As such, any combination of the cited prior art fails to teach, disclose, or suggest the Applicant's claimed invention.

Claim 27 depends directly on allowable Claim 1 and as such, includes each element of allowable Claim 1. Therefore, the Applicant submits that Claim 27 is also in condition for allowance and respectfully requests the rejection of the claim be removed.

### CONCLUSION


For the above reasons, the Applicant respectfully requests that the rejections under 35 U.S.C. 103(a) of independent Claims 1 and 28, and all claims depending directly or indirectly thereon, be withdrawn.

Should anything further be required, a telephone call to the undersigned at (312) 226-1818 is respectfully requested. If any charges or fees must be paid in connection with this Reply, they may be paid out of our Deposit Account No. 50-0545.

Respectfully submitted,

FACTOR & LAKE, LTD.

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